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# NASA Procedural Requirements

**COMPLIANCE IS MANDATORY**

**NPR 3530.1C**

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## Subject: NASA Pay and Compensation Policy

Responsible Office: Office of Human Capital Management

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## Chapter 7. Pay Authority for Critical Positions

### 7.1 References

- a. 5 U.S.C. Part III, Subpart I, Chapter 98, National Aeronautics and Space Administration.
- b. 5 U.S.C. § 5377, Pay Authority for Critical Positions.
- c. 5 U.S.C. § 9807, Pay Authority for Critical Positions.

### 7.2 Purpose

This provision modifies the government-wide critical pay authority by eliminating the Office of Management and Budget (OMB) and Office of Personnel Management (OPM) approval process and enabling the Agency Administrator to authorize a salary up to that of the Vice President for certain critical positions.

### 7.3 Key Features of Law

7.3.1 The NASA Flexibility Act of 2004 authorizes the Administrator to set pay for a NASA employee occupying a position which requires expertise of an extremely high level in a technical or professional field, critical to NASA's successful accomplishment of its mission.

7.3.2 The authority can be used to recruit new employees and for current NASA

employees, but not for employees of other Federal agencies who transfer to NASA.

7.3.3 The salary could be set at a rate up to that authorized for the Vice President. However, the employee could not receive an allowance, bonus, or other payment during any calendar year that would cause his/her total compensation to exceed the Vice President's annual salary.

7.3.4 In order to ensure that this authority is used for truly exceptional cases, it is limited to ten employees in the Agency at any one time.

## 7.4 Exclusions

This authority may not be used in connection with a political appointee who holds: (1) a position that has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character (Schedule C position); or (2) a position in the SES as a noncareer appointee as such term is defined in 5 U.S.C. § 3132, Definitions and Exclusions, Subsection (a)(7).

## 7.5 Approval Authority

The Administrator is the final approval authority for approving pay for critical positions.

## 7.6 Reporting Requirements

The Center Human Resources Office must maintain records of employees authorized to receive critical pay. 5 U.S.C. § 9807, Pay Authority for Critical Positions, requires NASA to track by fiscal year the number of positions for which pay is set under this provision and the number of positions for which such pay is terminated.

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